

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DONALD DUANE BOAZ, PRO SE,	§	
TDCJ-CID # 840723,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:05-CV-0209
	§	
MERLE HUSKY, Unit Chaplain, Neal Unit,	§	
BILL PIERCE, Head Chaplain for TDCJ,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff DONALD DUANE BOAZ, proceeding *pro se* and while a prisoner in the custody of the Texas Department of Criminal Justice, Institutional Division, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendants and has been granted permission to proceed in forma pauperis.

On February 23, 2006, plaintiff's copy of the Court's January 27, 2006 Filing Fee Order and Order to Investigate and Submit Martinez Report were returned to the Court undelivered and bearing the notation, "RTS Paroled." Plaintiff has provided no forwarding address to the Court.

It appears plaintiff has abandoned his cause and such cause should be dismissed for failure to prosecute. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962) (court possesses inherent power to dismiss *sua sponte* for lack of prosecution).

IT IS THEREFORE ORDERED:

The referral of the instant cause to the United States Magistrate Judge is hereby withdrawn.

This Civil Rights Complaint is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by first class mail.

IT IS SO ORDERED.

ENTERED this 17th day of March, 2006.

/s/ Mary Lou Robinson
MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE